



House of Representatives

General Assembly

File No. 627

February Session, 2008

Substitute House Bill No. 5826

House of Representatives, April 15, 2008

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SCHOOL LEARNING ENVIRONMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) Section 1 of public act 07-66 shall
2 take effect January 1, 2009.

3 Sec. 2. Subsection (g) of section 10-233c of the 2008 supplement to
4 the general statutes, as amended by section 2 of public act 07-66, is
5 repealed and the following is substituted in lieu thereof (*Effective July*
6 *1, 2008*):

7 (g) [Suspensions] On and after January 1, 2009, suspensions
8 pursuant to this section shall be in-school suspensions, unless during
9 the hearing held pursuant to subsection (a) of this section, the
10 administration determines that the pupil being suspended poses such
11 a danger to persons or property or such a disruption of the educational
12 process that the pupil shall be excluded from school during the period
13 of suspension. An in-school suspension may be served in the school
14 that the pupil attends, or in any school building under the jurisdiction

15 of the local or regional board of education, as determined by such
16 board.

17 Sec. 3. (*Effective from passage*) Not later than October 1, 2008, the
18 Commissioner of Education shall issue guidelines to aid local and
19 regional boards of education in making the determination as to
20 whether a suspension of a pupil should be an out-of-school suspension
21 or whether the suspension should be an in-school suspension pursuant
22 to the provisions of section 10-233c of the 2008 supplement to the
23 general statutes, as amended by this act.

24 Sec. 4. Section 10-222d of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective July 1, 2008*):

26 (a) Each local and regional board of education shall develop and
27 implement a policy, for use on and after February 1, 2003, to address
28 the existence of bullying in its schools. Such policy shall: (1) Enable
29 students to anonymously report acts of bullying to teachers and school
30 administrators and require students to be notified annually of the
31 process by which they may make such reports, (2) enable the parents
32 or guardians of students to file written reports of suspected bullying,
33 (3) require teachers and other school staff who witness acts of bullying
34 or receive student reports of bullying to notify school administrators,
35 (4) require school administrators to investigate any written reports
36 filed pursuant to subdivision (2) of this section and to review any
37 anonymous reports, (5) include an intervention strategy for school staff
38 to deal with bullying, (6) provide for the inclusion of language in
39 student codes of conduct concerning bullying, (7) require the parents
40 or guardians of students who commit any verified acts of bullying and
41 the parents or guardians of students against whom such acts were
42 directed to be notified, (8) require each school to maintain a list of the
43 number of verified acts of bullying in such school and make such list
44 available for public inspection, and (9) direct the development of case-
45 by-case interventions for addressing repeated incidents of bullying
46 against a single individual or recurrently perpetrated bullying
47 incidents by the same individual that may include both counseling and

48 discipline. The notification required pursuant to subdivision (7) of this
49 section shall include a description of the response of school staff to
50 such acts and any consequences that may result from the commission
51 of further acts of bullying. For purposes of this section, "bullying"
52 means any overt acts by a student or a group of students directed
53 against another student with the intent to ridicule, harass, humiliate or
54 intimidate the other student while on school grounds, at a school-
55 sponsored activity or on a school bus, which acts are [repeated against
56 the same student over time] committed more than once against any
57 student during the school year. Such policies may include provisions
58 addressing bullying outside of the school setting if it has a direct and
59 negative impact on a student's academic performance or safety in
60 school.

61 (b) On and after January 1, 2009, if the Department of Education
62 finds that a local or regional board of education has failed to
63 implement the policy required pursuant to subsection (a) of this
64 section, the department shall withhold from the grant paid pursuant to
65 section 10-262i of the 2008 supplement to the general statutes to the
66 town or regional school districts an amount not less than two thousand
67 five hundred dollars or more than five thousand dollars, provided the
68 Commissioner of Education or the commissioner's designee, prior to
69 withholding any funds, gives the local or regional board of education
70 an opportunity to explain its actions in an administrative hearing
71 conducted pursuant to chapter 54.

72 Sec. 5. Subsection (a) of section 10-220a of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective July*
74 *1, 2008*):

75 (a) Each local or regional board of education shall provide an in-
76 service training program for its teachers, administrators and pupil
77 personnel who hold the initial educator, provisional educator or
78 professional educator certificate. Such program shall provide such
79 teachers, administrators and pupil personnel with information on (1)
80 the nature and the relationship of drugs, as defined in subdivision (17)

81 of section 21a-240, and alcohol to health and personality development,
 82 and procedures for discouraging their abuse, (2) health and mental
 83 health risk reduction education which includes, but need not be
 84 limited to, the prevention of risk-taking behavior by children and the
 85 relationship of such behavior to substance abuse, pregnancy, sexually
 86 transmitted diseases, including HIV-infection and AIDS, as defined in
 87 section 19a-581, violence, child abuse and youth suicide, (3) the growth
 88 and development of exceptional children, including handicapped and
 89 gifted and talented children and children who may require special
 90 education, including, but not limited to, children with attention-deficit
 91 hyperactivity disorder or learning disabilities, and methods for
 92 identifying, planning for and working effectively with special needs
 93 children in a regular classroom, (4) school violence prevention, [and]
 94 conflict resolution and prevention of bullying, as defined in subsection
 95 (a) of section 10-222d, as amended by this act, (5) cardiopulmonary
 96 resuscitation and other emergency life saving procedures, (6) computer
 97 and other information technology as applied to student learning and
 98 classroom instruction, communications and data management, (7) the
 99 teaching of the language arts, reading and reading readiness for
 100 teachers in grades kindergarten to three, inclusive, and (8) second
 101 language acquisition in districts required to provide a program of
 102 bilingual education pursuant to section 10-17f. The State Board of
 103 Education, within available appropriations and utilizing available
 104 materials, shall assist and encourage local and regional boards of
 105 education to include: (A) Holocaust education and awareness; (B) the
 106 historical events surrounding the Great Famine in Ireland; (C) African-
 107 American history; (D) Puerto Rican history; (E) Native American
 108 history; (F) personal financial management; and (G) topics approved
 109 by the state board upon the request of local or regional boards of
 110 education as part of in-service training programs pursuant to this
 111 subsection.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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Sec. 2	<i>July 1, 2008</i>	10-233c(g)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2008</i>	10-222d
Sec. 5	<i>July 1, 2008</i>	10-220a(a)

ED *Joint Favorable Subst. C/R*

APP

APP *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Local and Regional School Districts	Delays Costs / Potential Revenue Loss	See Below	See Below

Explanation

The bill delays any potential cost to local and regional school districts due to the limiting of in-school suspensions by making the implementation date January 1, 2009.

The bill's expansion of the definition of bullying, the requirement that school boards implement the bullying policies they were required to adopt and the inclusion of bullying issues in teacher in-service programs are anticipated to have no fiscal impact on local and regional school districts as policies and material already exist at the local level. The imposition of a \$2,500 to \$5,000 holdback in ECS funds for not implementing bullying policies results in a potential minimal revenue loss to local and regional school districts.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5826*****AN ACT CONCERNING SCHOOL LEARNING ENVIRONMENT.*****SUMMARY:**

This bill extends the implementation date of PA 07-66, which (1) generally prohibits out-of-school suspensions, and (2) extends, from five to 10 days, the maximum length of in-school suspensions. The bill provides that in-school suspensions may be served in any school building under the jurisdiction of the board, as the board determines. It also requires the education commissioner, by October 1, 2008, to issue guidelines to help boards determine whether a pupil should receive an in-school or out-of-school suspension.

The bill also specifically expands the definition of bullying, requires school boards to implement the bullying policies they were required to adopt, imposes a penalty for failing to do so, and requires teachers to be trained in bullying prevention.

EFFECTIVE DATE: July 1, 2008 except for the provisions on the suspension definition and guidelines, which are effective upon passage.

SUSPENSIONS

The bill extends, from July 1, 2008, to January 1, 2009, the implementation date of PA 07-66's limitation on out-of-school suspensions. PA 07-66 requires suspensions to be in-school suspensions unless the school administration determines, at the required informal suspension hearing, that the student must serve the suspension outside of school because he or she (1) poses such a danger to persons or property or (2) is so disruptive of the educational process. Prior law had defined in-school suspension as exclusion from classroom activity, but not from school, for up to five consecutive days.

The act extended this to a maximum of 10 consecutive school days. An exclusion from school privileges for more than 10 days constitutes an expulsion under existing law.

BULLYING

Current law defines bullying as overt acts by one or more students intended to ridicule, humiliate, or intimidate that are repeated over time against another student on school grounds, at a school-sponsored activity, or on a school bus. The bill eliminates the requirement that the acts be repeated against the same student over time and instead requires only that the acts be committed more than once against any student during the school year.

This bill specifically requires local and regional education boards to implement policies to address bullying in schools (see BACKGROUND). Current law requires the boards to develop the policies for use on and after February 1, 2003. Beginning January 1, 2009, the bill requires the State Department of Education to withhold between \$ 2,500 and \$ 5,000 in Education Cost Sharing funds from a district it finds has failed to implement the policy, as long as the education commissioner or his designee gives the board the opportunity to explain its actions in an administrative hearing before doing so. It expands the in-service training topics that boards must provide teachers, administrators, and pupil personnel to include bullying prevention.

BACKGROUND

Suspensions

The law allows a student to be suspended for conduct that (1) violates a publicized board policy or seriously disrupts the educational process or (2) endangers persons or property on school grounds or at a school-sponsored activity. It defines suspension as exclusion from school privileges, or from transportation services only, for up to 10 consecutive school days.

Bullying Policies

The law requires board policies to:

1. enable students to anonymously report acts of bullying to teachers and school administrators,
2. enable parents or guardians to report bullying to teachers and school administrators,
3. require school staff who witness or receive reports of bullying to notify school administrators,
4. require school personnel to investigate anonymous reports,
5. include a strategy for school staff to intervene when they witness bullying,
6. include language in student codes of conduct about bullying,
7. provide notice of bullying to parents or guardians,
8. require each school to keep a list of verified acts of bullying available for public inspection, and
9. provide for case-by-case interventions to address (a) repeated bullying incidents against a certain person or (b) recurrent bullying by a certain person.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference

Yea 28 Nay 0 (03/18/2008)

Appropriations Committee

Joint Favorable

Yea 51 Nay 1 (03/28/2008)